

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JOHN M. SEMBER,**

**Defendant.**

**Case No. 3:14-cr-141**

**Judge Thomas M. Rose**

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**ENTRY AND ORDER REGARDING DEFENDANT'S MOTION IN  
LIMINE TO PROHIBIT THE ADMISSION OF CERTAIN EVIDENCE  
FOR LACK OF THE CHAIN OF CUSTODY (DOC. 86) AND WRITTEN  
OBJECTION TO GOVERNMENT EXHIBITS (DOC. 105)**

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This case is before the Court on Defendant John Sember's Motion in Limine to Prohibit the Admission of Certain Evidence for Lack of the Chain of Custody (the "Chain of Custody Motion") (Doc. 86) and Written Objections to Government Exhibits (Doc. 105). This case is set for trial on Monday, March 28, 2016, beginning at 9:00 AM. In the afternoon of March 28, 2016, after the selection of the jury panel, the Court will convene a hearing on the Chain of Custody Motion as to only the Dell Precision laptop (also referred to as 1B68). At Defendant's request, the Court re-opened the hearing on the Chain of Custody Motion as to only the Dell Precision laptop and held such hearing on March 24, 2016. At the March 24, 2016 hearing, the Government stated that it was unable to secure the attendance of its expert, who would have testified as to the chain of custody issues raised by Defendant as to both the Dell Precision laptop and the HP Elitebook (also referred to as 1B67). Since the Court re-opened the hearing as to only the Dell Precision laptop at Defendant's request, it deems it appropriate to permit the Government to introduce additional testimony or evidence regarding the Dell Precision laptop that it was not able to provide on short notice. Because the Court did not re-open the hearing as to the HP Elitebook and this case is on the eve of trial, the further hearing on the Chain of Custody Motion on March 28, 2016 will be

limited to only the Dell Precision laptop.

As the Court's schedule permits, it will also address Defendant's Written Objections to Government Exhibits (Doc. 105) in the afternoon of March 28, 2016. The parties are advised to be prepared to address each of the Written Objections and to address any other evidentiary issues concerning the parties' exhibits at that time.

**DONE** and **ORDERED** in Dayton, Ohio, this Friday, March 25, 2016.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE